

# MINTZ LEVIN

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**VIA ECF AND FIRST CLASS MAIL**

The Honorable Arthur D. Spatt  
United States District Judge  
P.O. Box 9014  
Central Islip, New York 11722-9014

June 7, 2010  
**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 08 2010 ★  
LONG ISLAND OFFICE

Re: Higueros v. Fidelis Care, Inc. 07 Civ. 0418

Dear Judge Spatt:

As you know, we represent defendant New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York ("Fidelis"). I am writing with the consent of Plaintiffs' counsel, Peter Romero, Esq. to inform the Court that the parties have agreed to settle all claims asserted by Ms. Higueros on behalf of the class in this matter.

We note that the parties were previously scheduled to file a Joint Pre-Trial Order today and to appear via telephone before Magistrate Judge Boyle for a final pre-trial conference on Wednesday, June 16, 2010 at 10:30 a.m. Given the parties' agreement to resolve this matter, we respectfully submit that there is no longer a need to file a Joint Pre-Trial Order and request that the Court permit the parties to file a Stipulation of Settlement and Proposed Notice of Class Action Settlement and Proof of Claim for the Court's review and approval no later than Friday, June 25, 2010.

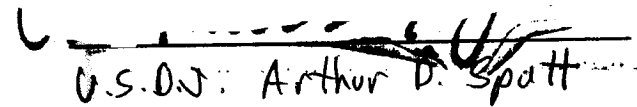
The parties thank Your Honor for your continued courtesy in this matter.

Respectfully submitted,

  
James R. Hays

cc: Magistrate Judge Boyle (via first class mail)  
Peter Romero, Esq., counsel to Plaintiffs (via ECF, PDF and first class mail)

Request granted. Case closed pending submission of stipulation of settlement. So Ordered.

  
U.S.D.J. Arthur D. Spatt

MOVANT'S COUNSEL IS DIRECTED TO SERVE A  
COPY OF THIS ORDER ON ALL PARTIES UPON  
RECEIPT VIA FACSIMILE.